

2011 STUDY RECOMMENDATION(S)

STUDY OF SCHOOL ENROLLMENT PRACTICES FOR VIRGINIA'S KINSHIP CAREGIVERS PUBLIC COMMENT RECEIVED

Individual/Organization	Comment(s)
Virginia Association of Secondary School Principals	<p><u>From Individual Board Members</u></p> <ul style="list-style-type: none"> ○ We require a notarized statement that the custodial guardian is giving "school custody" to the family member and that the family member accepts that responsibility. We have to investigate this on our own. ○ I believe that the custodial parent should provide documentation of the need for a change of residence. Often times we are told that school choice is not a factor, but we have no way of knowing for sure. <p><u>Organization Concerns</u></p> <p>The proposed legislation shifts responsibility to schools and away from courts as well as social services. This is normally considered a legal issue (care of a minor to someone who does not have legal custody) and puts school/administrator in position of assessing validity of child's status. What standard protocol should be followed by administrators to determine if false information has been presented in an affidavit used to determine if the child can legally attend that school under the guardianship, but not legal custody, of the presenting kinship caregiver? What, if any, legal ramifications could result from a false statement or an incorrect determination?</p> <p>Such determination is very important since a child accepted under these circumstances will be entitled to free admission to a school that is not located in the school division where the parent (who has legal custody) resides.</p>
Virginia Association of Community Services Boards (VACSB)	<p>We would agree with the recommendations wholeheartedly.</p> <p>The VACSB appreciates the work and recommendations on Finding #2 regarding child-serving professionals. The need for clear requirements for training in evidence-based practices through courses and experience is very evident.</p>
Voices for Virginia's Children Virginia Poverty Law Center JustChildren	<p>[We] support the recommendation...regarding school enrollment of children in kinship care. The proposed revision to Va. Code §22.1-3.4 will help ensure the educational stability of these children by providing a means for enrollment in the school division where their kinship caregivers reside. See <i>attachment for full text</i>.</p> <p>Additional recommendation: We strongly encourage COY to include additional language that will provide for the expedited transfer of school records for children changing schools due to a kinship care arrangement. See <i>attachment for full text</i>.</p>

Individual/Organization	Comment(s)
Henrico County Social Services (Director)	Fully supports recommendations
Lafayette High School/Norge Elementary School , Williamsburg (School Social Worker)	<p>While I like the idea of getting children in school quickly and supporting relatives who are willing to step up and take care of children in need, I believe that there also needs to be some formalization of the relationship to ensure that someone has both the rights and responsibilities of a caretaker in regard to the child. I have seen too many children allowed to “float” between relatives who did not have the authorization to act on their behalf or else chose not to do so and there was no way to hold them accountable.</p> <p>In terms of permanency and stability for children, I think there should be a requirement for legal guardianship if someone is caring for a young person for a certain length of time. Perhaps initial school enrollment could be allowed with the condition that guardianship or custody be pursued within 30-60 days.</p>
Culpeper County Public Schools (Director of Student Services)	<p>The recommendation to allow relatives or others to enroll a child in school w/ a signed affidavit when the parent is unable or unwilling to care for the child is a good one, but that is incomplete.</p> <p>We have an agreement w/ the local DSS to have parents and others sign a Power of Attorney document that not only tells us who the child is living with, but gives the person taking control of the child not only the right to legally enroll the child in school, but also gives them the right to access school records, talk with school staff, sign IEP's and other things that federal law restricts to legal parents or guardians under IDEA and FERPA.</p> <p>Too many times friends or kin who try to enroll a child have no details on their immunizations, medical issues, special education needs, other services, and discipline. Once we know these things from other sources, we cannot tell them these details under the law.</p> <p>The Power of Attorney (POA) we have developed covers these items and is signed at DSS's offices with both parties present under the DSS attorney's supervision.</p> <p>You must be careful in allowing parents to simply give their child away without establishing full legal authority to the person taking the child. It's more complicated than getting them in school.</p>
Pittsylvania County Schools (Division Superintendent)	<p>Pittsylvania County Schools is adamantly opposed to providing kinship caregivers with the authority to enroll children into Virginia's public schools.</p> <p>This office is inundated with numerous requests from such individuals attempting to enroll children into our school division without securing legal guardianship or court-appointed guardianship. Our school population is a transient one. Allowing for kinship caregivers to assume a parental role absent any legal authority to make decisions about a child's safety and welfare is troubling to this school division.</p>

continued

Individual/Organization	Comment(s)
Pittsylvania County Schools (<i>cont.</i>)	<p>Additionally, monitoring the situation with regard to providing false information for residency purposes or annual verification of the kinship care arrangement are just more layers of bureaucracy added to an already overworked staff. School Board policies reflect a requirement that the child reside with a legal guardian, a court-appointed guardian, a person in loco parentis pursuant to placement of the student for adoption or when the parents of the student are dead and the student is living with someone who actually resides within the school division.</p> <p>It is the opinion of this office that parents should be responsible and accountable for their children. If other arrangements are to be made, the parents should pursue joint custody or some other legal arrangement with the kinship caregivers in order to fulfill school residency requirements.</p>

COLLECTION OF EVIDENCE-BASED PRACTICES — PUBLIC COMMENT 11/9/11

Mary Ann Bergeron Executive Director	Virginia Association of Community Services Boards (VACSB)	10128-B West Broad St Glen Allen, VA 23060	804.330.3141 804.330.3611 mabergeron@vacsb.org	<p>VACSB is pleased to note the recommendation under Finding #1 which would remove the Autism Spectrum Disorder (ASD) and Intellectual Disability (ID) sections from the material dealing with mental health disorders. We support this recommendation fully as well as the disclaimer that these conditions are not mental health disorders. As well, the VACSB strongly supports the convening of an Advisory Group to assist with modifying the ASD and ID sections to include best practices in service delivery for developmental disabilities.</p> <p>The VACSB fully recognizes that individuals with ASD and ID can and do have mental health disorders in addition to their developmental condition. In such cases, and CSB/BHAs serve many individuals with these conditions and disorders, service delivery becomes even more complex and must be addressed by experienced professionals who have specialized knowledge of behavioral and mental health needs for this challenging population of individuals. The Advisory Group would be able to address these issues as well.</p>
				Thank you for the opportunity to make comment on the Recommendations for Finding

				<p>#1. We support all three of the Recommendations for this Finding in the Draft of 10/24/11.</p> <p>We will forward in a separate e-mail specific language for the Advisory Committee to consider in developing the update.</p> <p>Becky Bowers-Lanier, VACSB Jennifer Fidura, VNPP Heidi Lawyer, VBPD</p> <p>Virginia Network of Private Providers, Inc. 804 Moorefield Park Drive, Suite 201 Richmond, Virginia 23236 804-560-4640</p>
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